

## REMARKS

The objections to the specification are noted. Applicants have corrected the grammatical errors in the identified paragraphs without introducing new matter. As amended, the specification is now submitted to obviate the bases for objection, and the objections should therefore be withdrawn.

Rejected claims 10 and 11 have been cancelled without prejudice.

Rejected claims 2, 15 and 16 have been cancelled without prejudice.

Claims 1, 17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Wang et al '767. This rejection is respectfully traversed with respect to those claims as amended herein.

Specifically, these claims recite "a first jaw member having a recess in an inner surface thereof adapted to receive the ablation device therein," and "a transmurrality system including at least two electrodes disposed near the recess and adapted to selectively transfer electrical signals therebetween through the target tissue to measure at least one of conduction time, conduction distance, conduction velocity, phase angle, and impedance through at least a portion of the targeted biological tissue for monitoring the transmurrality of an ablation lesion formed therein," or "the first and second jaw members extend in an elongated direction and are hinged together for relative rotation between open and closed configurations along an axis substantially aligned along the elongated direction."

These aspects of the claimed invention are not disclosed by Wang et al '767 which is noted to rely upon various ablators that are attached to external surfaces (i.e., not in recesses) of mating jaws that, where hinged, are rotatable about a pivot aligned laterally (not longitudinally) relative to the elongated jaws. And, in addition to the absence from this reference of a recess in a jaw of an accessory clamp suitable for receiving an ablation device, there are also no electrodes disposed in a manner as claimed by Applicants about any such recess. It is therefore respectfully submitted that amended claims 1 and 17 are not anticipated by, but instead are now patentably distinguishable over the cited art.

Rejected claims 6 and 7 have been cancelled without prejudice.

Claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang et al '767 in view of Hooven et al '536. This rejection is respectfully traversed with respect to this dependent claim as amended herein.

In addition to the quoted claims language referenced in the above Remarks, this dependent claim is further limited by the recitation of "the hinged attachment of the first and second jaw members is disposed to translate laterally to the axis for expanding the spacing between the first and second jaw members in the open and closed configurations."

These aspects of the claimed invention facilitate grasping between pivoted jaws widely available thicknesses of tissue to be ablated. These aspects of the

claimed invention are not disclosed or even suggested by the cited references considered either alone or in the combination proposed by the Examiner.

Specifically, Wang et al '767 is noted to rely upon ablating apparatus having fixed shape or having moveable jaws disposed to rotate about fixed pivots that are laterally aligned relative to the extent of the jaws. And, Hooven et al '536 discloses ablation devices that are understood to rely predominantly upon translational rather than pivoted movement of jaws supporting ablation devices. At best, this reference discloses pivoted jaws (e.g., Figures 62 et seq.) with translating components, but without lateral translation relative to the pivot axis of the jaws in any manner resembling the clamp accessory as claimed by Applicants. Thus, merely combining the deficient disclosures of these cited references fails to establish even a *prima facie* basis, including all recited elements, from which a proper determination of obviousness can be formed. It is therefore respectfully submitted that dependent claim 18 is patentably distinguishable over the cited art.

Rejected claims 10-12 have been cancelled without prejudice.

Entry is requested of this amendment which is submitted to condition this application for allowance. In the event the Examiner decides to continue rejection of claims, it is requested that this Amendment be entered in order to simplify and clarify the issues for appeal.

Favorable action is solicited.

Respectfully submitted,  
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Dated: 12/14/06

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